



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc. Customer)	MDL Docket No. 2800
Data Security Breach Litigation)	Case No.: 1:17-md-2800-TWT
)	ALL CASES
)	

**APPLICATION OF ROSALEE B.C. THOMAS AND FINKELSTEIN
THOMPSON LLP FOR APPOINTMENT TO PLAINTIFFS' STEERING
COMMITTEE**

COMES NOW, ROSALEE B.C. THOMAS of the firm of FINKELSTEIN THOMPSON LLP of Washington D.C. and San Francisco, California, and pursuant to this Court's CMC Orders Nos. 1 and 2, respectfully submits this application for appointment to the Plaintiffs' Steering Committee in *In re: Equifax, Inc. Customer Data Security Breach Litigation* pending before this Court. Finkelstein Thompson LLP ("Finkelstein Thompson") represents plaintiff and the putative Class in *Feied et al. v. Equifax, Inc.*, No. 17-cv-05524, Northern District of California.

If appointed, Finkelstein Thompson will bring diversity as well as extensive data breach experience to a process often dominated by a network of traditional law firms that exclude small firms, females, and minorities. Rosalee B.C.

Thomas¹, a Caribbean-American woman, will lead the charge of the case for Finkelstein Thompson.² Additionally, utilizing Finkelstein Thompson's team of able attorneys and staff, the case will be handled from the firm's Washington D.C. office, a location with easy access to any related regulatory or legislative proceedings on Capitol Hill that may arise requiring monitoring or participation.

Finkelstein Thompson more than satisfies the four main criteria outlined in the Court's CMC Order No. 1:

1. **Willingness and Ability to Commit to a Time-Consuming Process:**

Finkelstein Thompson is ready and willing to devote significant attorney time and financial resources to representing the interests of the proposed consumer class in this litigation. The firm's attorneys have developed substantial expertise in

¹ *Rosalee B.C. Thomas*, is a 2004 graduate from Georgetown University Law Center and was recognized as a Pro Bono Pledge Honoree. Prior to Finkelstein Thompson, she completed a clerkship at the U.S. Consumer Product Safety Commission. She is admitted and a member of good standing of the state bars of the Maryland, District of Columbia Bars, New York, and New Jersey, the U.S. District Courts for the Districts for the District of Columbia, New Jersey, and the Southern District of New York, and the U.S. Court of Appeals for the Ninth Circuit.

² If appointed to the Plaintiffs' Steering Committee, Rosalee B.C. Thomas will be the primary attorney involved in the litigation. However, Finkelstein Thompson's attorneys, including Mila F. Bartos, who has worked extensively on similar data breach consumer cases, will be fully committed to prosecute this litigation should additional resources be required.

Mila F. Bartos, is a 1993 graduate of the American University Washington College of Law and a co-founder of the American University Journal of Gender and Law and was a member of the Editorial Board. She is admitted and a member in good standing of the state bars of the Maryland and District of Columbia Bars, and the U.S. District Courts for the Districts of the District of Columbia and Maryland.

managing complex litigation. The firms' attorneys have engaged in all aspects of complex litigation, including discovery practice, class certification proceedings, summary judgment, trial, and the settlement process, in cases involving allegations of data breach, securities and commodities fraud, antitrust violations, and consumer fraud.

The firm has achieved outstanding results in many complex cases that took years to come to fruition. *See e.g., In re Natural Gas Commodity Litigation*, Case No. 03cv6186 (S.D.N.Y.) (Co-Lead Counsel; over \$100 million achieved in settlements); *Rodriguez et al. v. West Publishing Corp. et al.*, Case No. CV-05-3222 R(MCx) (C.D. Cal.) (one of three firms appointed Class Counsel; obtained \$49 million settlement); *National Metals, Inc. v. Sumitomo Corp.*, Case No. 734001 (San Diego Sup. Ct.) (Co-Lead Counsel; settlements achieved with several defendants for \$81 million); and *In re Facebook, Inc., IPO Securities & Derivative Litig.*, (S.D.N.Y.) MDL No. 12-2389 (RWS) (Co-Lead Class Counsel; \$26.5 million settlement achieved).

2. **Ability to Work Cooperatively with Others:** Finkelstein Thompson recognizes that the interests of the class members it represents are often best served by a diverse group of qualified and experienced attorneys, and the firm prides itself on its ability to work cooperatively with other plaintiffs' counsel effectively to

prosecute large, multidistrict litigations. Equifax's conduct has affected many minority individuals, who will likely constitute a significant percentage of consumers affected by this litigation. Given the egregious harm to consumers caused by Equifax's nationwide misconduct in this case, it is important to effectively reach all affected consumers so that they can take advantage of any relief made available to them. Finkelstein Thompson is comprised of experienced attorneys including African-American, Caribbean-American, and Cantonese-speaking Asian-American women attorneys and staff. Rosalee B.C. Thomas and the other Finkelstein Thompson attorneys have extensive experience litigating consumer and data breach class actions. Ms. Thomas, and Finkelstein Thompson's team of partners, associate, of counsel attorneys, paralegals, and support staff have the willingness and ability to commit the necessary time and finances to this case. Moreover, Ms. Thomas and Finkelstein Thompson have the demonstrated ability to, and reputation of, working cooperatively with counsel.³ Given this diverse group of leading attorneys, and the firm's history, the Court can be assured that Finkelstein Thompson is both capable and willing to serve alongside any other counsel this Court may see fit to appoint to a leadership position.

³ We invite the Court to review FT's full biography at www.finkelsteinthompson.com.

Diversity in Multidistrict Litigation (“MDL”) leadership positions is crucial, as plaintiffs’ counsel must work collaboratively to obtain equitable and appropriate relief on behalf of a diverse class of consumers. However, women and minorities are to date still underrepresented in MDL leadership positions despite recent gains.⁴ A study conducted by Dana Alvaré of Temple University’s Beasley School of Law, revealed that women held only 16.5 percent of MDL leadership roles over the past five years.⁵ Specifically, “98 percent of all multidistrict litigation between 2011 and 2016 had at least one man in the highest leadership position and 49.7 percent of all cases had no women at all in the upper levels of case leadership.”⁶

Ultimately, it is class consumers who are disadvantaged by this statistical reality. Consumers need qualified counsel in addition to diverse perspectives on a variety of legal issues. It is important that qualified women and minority-led firms are not discouraged from pursuing leadership opportunities which would stifle the sharing of fresh legal arguments and litigation strategies. As Elizabeth Chamblee Burch aptly noted in a law review article: “[A]ppointing only repeat players may

⁴ See e.g., Alyson Oliver & Reed Eriksson, *Why Leadership Diversity In Litigation Is Crucial*, Trial (Sept. 2014), https://law.duke.edu/sites/default/files/centers/judicialstudies/panel_2-why_leadership_diversity_is_crucial_oliver_and_reed_march.pdf

⁵ Aebrá Coe, *Female Lawyers Are Still Struggling To Land Lead MDL Roles*, Law360 (March 16, 2017), https://law.duke.edu/sites/default/files/centers/judicialstudies/panel_1-female_lawyers_are_still_struggling_to_land_lead_md_l_roles.pdf

⁶ *Id.*

create groups of homogeneous thinkers who are less innovative.”⁷ That practice also encourages collusive, fee-sharing arrangements, “tit-for-tat reciprocity among repeat players, and good ol’ boy networks...”⁸ Such appointments and backdoor dealings could ultimately undermine the public’s perception of the court as a fair, inclusive and impartial system. Thus, the composition of MDL leadership positions has implications beyond litigants and lawyers.

Finkelstein Thompson has been, and remains committed to, providing unparalleled legal services to communities that are as diverse as the firm. The appointment of Finkelstein Thompson, a firm comprised of ethnically and gender diverse attorneys and staff, will not only address the dearth of women and minorities in MDL leadership positions, but also provide consumers with competent, representative counsel.

3. Professional Experience in this Type of Litigation: Finkelstein Thompson, founded in 1977, with offices in Washington, D.C. and San Francisco, CA, is one of the most experienced and dedicated class action firms applying for leadership appointment. Our firm focuses primarily on class action litigation and

⁷ Elizabeth Chamblee Burch, *Judging Multidistrict Litigation*, 90 N.Y.U. L.Rev. 71, 84 (2015), http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1993&context=fac_artchop

⁸ *Id.* at 93.

has represented consumers in nationwide class action and complex litigation for decades.⁹ By concentrating on class action litigation, the firm avoids the conflicts of interest that arise from multi-faceted representation.

The attorneys of Finkelstein Thompson have the expertise and resources effectively to represent consumers in this data breach case. Finkelstein Thompson was one of the pioneering law firms to bring data breach consumer cases. The firm was counsel in *In Re TJX Companies Retail Security Breach Litigation*, MDL 1838 (D. Mass.), a class action lawsuit arising from a security breach of consumers' debit and credit card information, where a \$200 million settlement was achieved. Finkelstein Thompson was counsel in *Lockwood v. Certegy Check Serv., Inc.*, No. 8:07-cv-01434-SDM-TGW (M.D. Fla.), a class action lawsuit arising from theft of consumers' personal and financial information, where over \$500 million in benefits were given to settlement class members. Finkelstein Thompson was co-lead counsel in *In re Countrywide Financial Corp. Customer Data Security*, MDL 1998 (W.D. Ky.), a class action lawsuit alleging theft of consumers' personal and financial information. The settlement provided credit monitoring for the class, an

⁹In addition to its consumer fraud practice, Finkelstein Thompson is a leader in its other practice areas, including antitrust, commodities and securities litigation. *See, e.g., In re Facebook, Inc., IPO Securities & Derivative Litig.*, (S.D.N.Y.) MDL No. 12-2389 (RWS) (Co-Lead Class Counsel; \$27.5 million settlement achieved) and cases reflected on Exhibit A.

identity theft reimbursement fund of \$5 million, and a \$1.5 million expense reimbursement fund for class members.

Finkelstein Thompson has also been involved in many other account- and identity-level breach class action suits. In *In re Heartland Payment Systems Inc. Customer Data Security Breach Litigation*, MDL 2046 (S.D. Tex.), the firm was co-lead counsel in this class action lawsuit that resulted from a security breach of consumers' personal and financial information. Finkelstein Thompson represented consumers in two of the first data breach cases where the Ninth Circuit found standing for data breach victims: *Ruiz v. Gap Inc. and Vangent, Inc.*, No. 09-15971 (9th Cir. 2010) (unpublished opinion), and *Krottner v. Starbucks Corporation*, No. 09-35823 (9th Cir. 2009) (published opinion). The firm was also counsel in *In re: Target Corporation Customer Data Security Breach Litigation*, MDL No. 14-2522 (PAM/JJK), participating in the discovery stage of the litigation. In *In Re CarrierIQ, Inc. Consumer Privacy Litig., Case No. 12-md-02330-EMC*, Finkelstein Thompson was one of four firms selected to be on the Executive Committee.

Finkelstein Thompson has represented consumers in medical insurance and health care data breach class actions, including *In Re Janis v. Health Net, Inc. et al. 2:12-cv-01171-KJM-EF* (E.D. Cal.) and *In RE: Science Applications Inter. Corp.*

(SAIC) *Backup Tape Data Theft Litig.*, 1:12-mc-00347-JEB (D.C.) (appointed co-lead counsel). As reflected in the firm's resume and biographies attached as Exhibit A, Ms. Thomas and/or the firm have also served as lead, co-lead or executive/steering committee counsel in other high-stakes cases in state and federal courts around the country. In *Ironworkers Local No. 399 and Participating Employers Health and Welfare Funds v. Janssen, L.P.*, No. 3:06-cv-03044-FLW-JJH (D.N.J) (drug label misrepresentation), where Finkelstein Thompson was lead counsel, Ms. Thomas facilitated the organization of meetings and conference calls with counsel; attended hearings; and managed the drafting of the Consolidated Amended Complaint. Ms. Thomas, has served on the Executive Committee in merger and acquisition suits including *The Wire Family Trust of 1997 v. Alliance Financial Corp., et. al.*, No. 2012-5959 (Onondaga County, NY), *Holliday v. CapitalSource, Inc.* BC517209 (Los Angeles, CA), and *Mulvey v. Optimer Pharmaceuticals, Inc.* C-111-13 (Hudson County, NJ).

Finkelstein Thompson has been recognized as adept at prevailing on complex, cutting-edge legal issues on behalf of consumers, and the firm's work has resulted in substantial recoveries and corporate changes in business practices. In *Lilly v. Jamba Juice Co., et al.*, Case No. 13-2998 JST (N.D. Cal.), in granting final approval of a class action settlement where the firm was appointed co-lead

counsel, Judge Jon S. Tigar recognized the firm as specializing in class actions and stated that it had been a “total pleasure” to witness the lawyering in the case before him. In *Rodriguez v. W. Publ'g Corp.*, 563 F.3d 948, 967 (9th Cir. 2009), in a published decision affirming a settlement of \$49 million achieved by Finkelstein Thompson and its co-counsel in an antitrust class action, the Ninth Circuit expressly recognized that “counsel has considerable experience in litigating . . . class actions, and other complex litigation.” Additionally, Finkelstein Thompson attorneys have appeared in your Honor’s court in the antitrust matter, *In re Motorsports Merchandise Antitrust Litigation*, No. 97-cv-2314.

4. **Access to Sufficient Resources to Advance the Litigation in a Timely Manner:** The firm is prepared to commit and expend the professionals and capital necessary to take this case through pre-trial, trial and any appeals that may arise. The firm has attorneys in offices in Washington, D.C. and San Francisco, California and possesses substantial technology and other resources to support the litigation, including access to facilities to accommodate meetings of counsel and depositions of witnesses in these proceedings. Finkelstein Thompson’s location in Washington, D.C. may prove useful should there be any Congressional investigations or hearings on this matter. Finkelstein Thompson also has a long

track record of funding long term, complex litigation in the past and is prepared to do so here.

Finkelstein Thompson has the talent, expertise, and capital to contribute to the litigation in a leadership capacity. It is prepared to work with any other counsel appointed by the Court in a multi-firm leadership structure; and will devote all resources necessary to prosecute this litigation to a successful conclusion.

Respectfully submitted,

Date: February 2, 2018

By: /s/ Rosalee B.C. Thomas
Rosalee B.C. Thomas
Mila F. Bartos
FINKELSTEIN THOMPSON LLP
3201 New Mexico Avenue
Suite #395
Washington, D.C. 20016
Telephone: (202) 337-8000
Facsimile: (202) 337-8090

Gordon M. Fauth, Jr.
Of Counsel
Rosanne L. Mah
Of Counsel
FINKELSTEIN THOMPSON LLP
100 Pine Street, Suite 1250
San Francisco, California 94111
Direct Telephone: (510) 238-9610
Telephone: (415) 398-8700
Facsimile: (415) 398-8704

Attorneys for Individual and
Representative
Plaintiff Malcolm B. Feied



February 2, 2018

VIA HAND DELIVERY

Honorable Thomas W. Thrash, Jr.
Chief United States District Judge
2188 Richard B. Russell Federal Building and United States Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309
Courtroom: 2108

Re: IN RE: EQUIFAX, INC., Customer Data Security Breach Litigation
Case No.: 1:17-md-02800-TWT

Dear Honorable Thomas W. Thrash, Jr.:

Enclosed please find a courtesy copy of the Application of Rosalee B.C. Thomas and Finkelstein Thompson LLP for Appointment to Plaintiffs' Steering Committee. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rosalee Thomas".

Rosalee B.C. Thomas

3201 NEW MEXICO AVENUE, NW • SUITE 395 • WASHINGTON, DC 20016 • TEL: 202.337.8000 • FAX: 202.337.8090 • TOLL-FREE: 877.337.1050

100 PINE STREET • SUITE 1250 • SAN FRANCISCO, CA 94111 • TEL: 415.398.8700 • FAX: 415.398.8704 • TOLL-FREE: 877.800.1450

WWW.FINKELSTEINTHOMPSON.COM

EXHIBIT A



FIRM RESUME

2018

3201 New Mexico Avenue, NW, Suite 395 · Washington, DC 20016

100 Pine Street, Suite 1250 · San Francisco, CA 94111

FINKELSTEIN THOMPSON LLP

FINKELSTEIN THOMPSON LLP ("the firm"), is a complex litigation firm, with offices in Washington, DC and San Francisco, CA, focusing primarily on suits involving antitrust violations, fraud and crime in the banking, securities and commodities industries, and consumer fraud.

By concentrating exclusively on litigation, rather than a generalized transactional practice, the firm avoids the conflicts of interest, both actual and philosophical, that can arise from multi-faceted representation, and is able to offer the kind of hard-hitting approach that modern complex litigation demands. Since 1993, the firm has served in a leadership position in cases that have recovered many hundreds of millions of dollars for investors and consumers.

Because the outcome of litigation is often dependent on the strength of expert testimony, the firm has developed strong working relationships with nationally prominent outside consultants in the areas of securities, commodities, antitrust, banking, consumer fraud, marketing and economics.

HISTORY

The firm was founded in March 1977 by Burton H. Finkelstein and Douglas G. Thompson, Jr. The firm's offices are located in Washington, DC and in San Francisco, CA.

EXPERIENCE

The firm is involved in class action litigation in federal and state courts nationwide. It has developed a reputation for successful and thorough representation of class clients against many of the largest and most powerful companies in the country. As part of our efforts to serve our clients' interests in the most effective and efficient manner possible, the firm has established ongoing relationships with other class action law firms whose size, location or expertise complement our own. We are proud to have won judgments and negotiated settlements that have recovered an aggregate of over one billion dollars for class members.

Douglas G. Thompson, Jr., one of the founding and named partners of the firm, has prosecuted and defended complex civil and criminal matters for over forty years. The other partners and associates have extensive experience in a variety of complex litigation fields. The firm has practiced before the Securities and Exchange Commission, Commodity Futures Trading Commission, Federal Trade Commission, Federal Communications Commission, U.S. Copyright Office, New York Stock Exchange, Chicago Board of Trade, National Association of Securities Dealers, National Futures Association, Financial Industry Regulatory Authority and in various state and federal trial and appellate courts across the country, in civil and criminal enforcement matters and in private damage litigation. The firm has considerable expertise and experience in defending and prosecuting complex financial class action claims.

SECURITIES & COMMODITIES CLASS ACTION LITIGATION

Since its inception in 1977, the firm's securities litigation practice has extended across a wide range of shareholders' securities litigation, from accounting fraud, allegations of insider trading, proxy statement fights, and minority shareholder rights being violated, to cases alleging misstatements in prospectuses. The firm has litigated substantive federal issues under the Securities Act of 1933, the Securities Exchange Act of 1934, the Reform Act of 1995, and tender offers under the Williams Act, derivative suits under State and Federal law, and unfair business practices claims.

Our clients have included institutional investors, pension funds, high-net worth individuals and retail investors. While few class action securities suits go to trial, substantial skill and experience is required to investigate, prepare, and litigate the underlying claims to successful resolution. The firm enjoys a national reputation for high-quality and successful recoveries for our clients.

The firm also selectively prosecutes actions pursuant to the Commodity Exchange Act regarding market manipulations involving commodity futures and options. To date, the firm has enjoyed considerable success in these matters, which are recognized as some of the most difficult causes of action to successfully pursue.

SETTLED REPRESENTATIVE SECURITIES AND COMMODITIES CLASS ACTION CASES

1. In re Merrill Lynch & Co., Inc. Research Reports Litigation, MDL 1484 (S.D.N.Y.) – Executive Committee member; Lead Counsel in six of the underlying actions; \$125 million settlement achieved.
2. In re Natural Gas Commodity Litigation, No. 03cv6186 (S.D.N.Y.) – Co-Lead Counsel; over \$100 million achieved in settlements.
3. In re Dairy Farmers Of America, Inc. Cheese Antitrust Litigation, No. 09-cv-03690 (N.D. Ill.) – Allocation Counsel for Core Period Claims; achieved allocation of 92.5% of \$46 million settlement to Core Period Claimants.
4. PaineWebber Securities Litigation, No. 94cv8547 (S.D.N.Y.) – Executive Committee member; \$200 million settlement achieved.
5. Freeland v. Iridium World Communications, Ltd., No. 99cv1002 (D.D.C.) – Liaison Counsel and Executive Committee member; \$47.5 million settlement achieved.
6. Prudential Securities Litigation, MDL 1005 (S.D.N.Y.) – Executive Committee member & Co-Chair of Settlement Committee; \$150 million settlement achieved.
7. Kidder Peabody Securities Litigation, No. 94cv3954 (S.D.N.Y.) – Executive Committee member; \$19 million settlement achieved.

8. Rudolph vs. UT Starcom, et al, No. 3:07-CV-04578-SI (N.D.Ca.) – The firm serves as sole Lead Counsel in a securities fraud class action against UT Starcom and certain officers in connection alleged illegal backdating of executive stock options. \$9.5 million settlement achieved
9. Holly Glenn v. Polk Audio, Inc., No. 99cv4768 (Md. Cir. – Baltimore) – Co-lead Counsel; \$4.8 million settlement achieved (an increase of nearly 50% of shareholder buyout value).
10. Grecian v. Meade Instruments, Inc., No. 06cv908 (C.D. Cal.) – Sole Lead Counsel on behalf of shareholders claiming securities fraud violations related to alleged illegal backdating of executive stock options. Settlement achieved for \$3 million and corporate governance changes.
11. In re Facebook, Inc., IPO Securities & Derivative Litig., (S.D.N.Y.) MDL No. 12-2389 (RWS) —_Co-Lead Class Counsel in class actions against defendant Facebook and certain of its directors and officers alleging violations of the Securities Act of 1933 and Securities Exchange Act of 1934 and against the NASDAQ OMX Group Inc. \$26.5 million settlement achieved.

ANTITRUST CLASS ACTION LITIGATION

Federal and state antitrust laws are primarily concerned with protecting the economy and promoting competition between businesses by preventing (i) collusion among competitors that might result in restraints on competition in a given industry or market, and (ii) anti-competitive conduct by a particular entity who holds monopoly power in a given industry or market.

The firm is involved in several cases on behalf of individuals and businesses that have been injured by the anti-competitive behavior of other companies. These cases involve allegations such as market manipulation, monopolization, price-fixing, and predatory practices. Below is a sample of the cases in which we have been intensively involved:

SETTLED REPRESENTATIVE ANTITRUST CLASS ACTION CASES

1. In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, No. M-02-1486 (N.D.Cal.) – Executive Committee member for indirect purchaser claims; settlement achieved for \$310 million (on appeal).
2. In re Relafen Antitrust Litigation, No. 01cv12239 (D. Mass.) – Executive Committee member in federal direct purchaser case, settlement achieved - \$175 million.
3. Heliotrope General, Inc. v. Sumitomo Corporation, et al., Master Case No. 701679 (Cal. Super. - San Diego) – Co-Lead Counsel; multiple settlements achieved totaling \$87.35 million.

4. In re Warfarin Sodium Antitrust Litigation, MDL 1232 (D. Del.) – Discovery Committee member and Co-lead Counsel in state case; settlement achieved in the companion national case - \$44.5 million.
5. Ryan Rodriguez v. West Publishing Corp. and Kaplan, Inc., No. CV-05-3222 R (MCx) (Cal. Central District Court) – An antitrust class action where FT LLP served as one of three law firms alleging nationwide national antitrust violations. \$49 million settlement finally approved.
6. In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation, No. 05cv1671 (C.D. Cal.) – Co-Lead Counsel in a certified class action lawsuit that alleges antitrust and common law violations which resulted in increased prices for RFG for purchasers. \$48 million settlement achieved

CONSUMER CLASS ACTION LITIGATION

In federal and state courts throughout the country, the firm represents consumers who have been injured or defrauded. Our cases involve individuals or classes of individuals who have been physically or economically damaged by the wrongdoing of others. Some of our cases seek to obtain financial relief, medical monitoring, injunctions and revised notification for classes of plaintiffs. Some of the cases we have brought include:

SETTLED REPRESENTATIVE SECURITY BREACH CLASS ACTION CASES

1. In Re TJX Companies Retail Security Breach Litigation, MDL 1838 (D. Mass.) Counsel in class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers' debit and credit card information. \$200 million settlement achieved.
2. Lockwood v. Certegy Check Serv., Inc., No. 8:07-cv-01434-SDM-TGW (M.D. Fla.) Counsel in class action lawsuit alleging common law violations that resulted in a security breach of consumers' personal and financial information. Available benefits made to Settlement Class Members of over \$500 million.
3. In re Countrywide Financial Corp. Customer Data Security, MDL 1998 (W.D. Ky.) Co-lead counsel in class action lawsuit alleging violations of common law, the California Business and Professions Code, and the Fair Credit Report Act, for data breach involving consumers' personal and financial information. Settlement resulted in a credit monitoring protection package for the class, the creation of an identity theft reimbursement fund of \$5 million, and the creation of an expense reimbursement fund for class members of \$1.5 million to compensate class members for actions taken as a result of the data breach.

SETTLED REPRESENTATIVE CONSUMER CLASS ACTION CASES

1. Gael M. Carter, et al. v. Associates Financial Services Co., Inc., et al., No. 96cv4652 (Tex. Dist. – Dallas County) – The firm played a pivotal role in

pursuing the claims of millions of class members in a number of suits in states across the country against The Associates n/k/a Citifinancial, alleging consumer fraud relating to home equity and personal loan terms. Settlements achieved in the state, federal and companion FTC cases totaling \$240 million.

2. Cavan et al. v. Sears Roebuck & Co. and Whirlpool Corp., No. 04CH10354 (Ill. Circuit Court - Cook County) – Co-Lead counsel for consumer class action based upon the sale of Calypso® washing machines. Nationwide settlement reached and approved by the Court.
3. In re Diet Drugs Products Liability Litigation, MDL 1203 (E.D. Pa.). Co-Chair of the Non-PMC litigation group prosecuting class certification of claims not advanced by Plaintiffs' Management Committee.
4. Schulte v. Fifth Third Bank, 1:09-cv-06655 (N.D. Ill.) – Co-lead counsel in a consumer class action alleging re-sequencing of consumer banking transactions in highest to lowest order with intention of maximizing overdraft fee revenue. Nationwide settlement resulted in a settlement fund of \$9.5 million and injunctive relief valued at over \$100 million. First re-sequencing/overdraft fee settlement in the nation where bank agreed to terminate high to low re-sequencing as part of relief to the class.

SECURITY BREACH CLASS ACTION CASES

1. Ruiz v. Gap Inc. and Vangent, Inc., No. 09-15971 (9th Cir. 2010), Finkelstein Thompson was counsel in a class action lawsuit alleging claims of negligence, breach of contract, bailment, violations of the UCL, California Civil Code § 1798.85 ("§ 1798.85"), and California's Constitutional right to privacy. This was one of the first 9th Circuit opinion to find standing for data breach victims (unpublished opinion).
2. Krottner v. Starbucks Corporation, No. 09-35823 (9th Cir. 2009), Finkelstein Thompson was counsel in a security breach class action lawsuit alleging two claims against Starbucks for breaches of contract and negligence. This was one of the first 9th Circuit opinions to find standing for data breach victims (published opinion).
3. Richardson, et al. v. Tricare Management Activity, et al., 1:11-cv-01961 (D.D.C.) Co-Lead counsel, law suits alleging violations of the federal Privacy Act as a result of a security breach of insureds' personal and health information.
4. In re Heartland Payment Systems Inc. Customer Data Security Breach Litigation, MDL 2046 (S.D. Tex.)- Co-Lead counsel in this class action lawsuit that resulted from a security breach of consumers' personal and financial information. Finkelstein Thompson represented consumers in two of the first data breach cases where the Ninth Circuit found standing for data breach victims.

5. In re CarrierIQ, Inc. Consumer Privacy Litig., 12-md-02330-EMC- Executive Committee member, suits were filed against CarrierIQ and various cell phone manufacturers for violations of federal wiretap laws and state consumer protection laws by allowing a pre-installed application, also referred to as Carrier IQ, to capture and record mobile phone users' keystrokes and location data.
6. In Re Janis v. Health Net, Inc. et al. 2:12-cv-01171-KJM-EF (E.D. Cal.), Finkelstein Thompson filed suit in California state court, seeking to redress Health Net Inc.'s failure to adequately safeguard Plaintiffs' private personal, financial and health information. According to Health Net, approximately 1.9 millions individuals may have been affected by the breach.
7. In re: Target Corporation Customer Data Security Breach Litigation, MDL No. 14-2522 (D. Minn.) (PAM/JJK), suits were filed seeking to redress Target's failure to adequately safeguard the credit and debit card data of approximately 40 million customers resulting in unauthorized third-party access to Target's payment card data from November 27, 2013 through December 15, 2013. Finkelstein Thompson played an active role in the discovery stage of the litigation.

CONSUMER CLASS ACTION CASES

1. In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871 (E.D. Pa.) - FT served as a member of the Plaintiffs Steering Committee and Co-Chair of the Class Action Sub-Committee. The suit alleges that SmithKline Beecham Corporation d/b/a GlaxoSmithKline used marketing schemes to deliberately conceal and affirmatively misrepresent the significant heart attack or heart-disease related risks associated with the use of the Avandia, Avandamet and Avandaryl – medications used to treat Type II diabetes.

THIRD-PARTY PAYOR CLASS ACTION CASES

1. United Benefit Fund v. GlaxoSmithKline LLC, MDL 1871 (E.D. Pa.)- the firm served as a member of the Plaintiffs' Steering Committee, Co-Chairs the Class Action Sub-Committee, and was counsel of record for a third-party payor class action alleging that GSK created, monitored and/or controlled various marketing firms, physicians and ghostwriters to promote and disseminate – through sponsored events and publications – misleading messages about safety and efficacy relating to the use of Avandia.

FALSE CLAIMS ACT LITIGATION

The firm maintains an active practice under the Federal False Claims Act (also known as “*qui tam*” litigation). Through representation of whistleblowers who have independent knowledge of government contract fraud, the firm seeks to secure the return of millions of dollars to federal and state treasuries. The firm has investigated and filed *qui tam* claims in connection with the student loan industry.

BURTON H. FINKELSTEIN

Partner
(1937-2013)

BURTON H. FINKELSTEIN practiced securities litigation for more than forty years, first with the Securities and Exchange Commission, and then in private practice. At the SEC, he was special trial counsel and an Assistant Director of the Enforcement Division, where he was in charge of the administrative, civil and criminal litigation nationwide enforcement program. In 1970, he joined the New York firm of Phillips, Nizer, Benjamin, Krim & Ballon and was a partner in their Washington, D.C. office until 1977, when he and Mr. Thompson formed the firm now known as FINKELSTEIN THOMPSON LLP.

In private practice, Mr. Finkelstein participated in more than twenty securities fraud trials in cities throughout the United States, representing broker-dealers, principals and securities salesmen, attorneys, accountants, publicly and privately held companies and officers and directors of such companies. He also represented companies and individuals in SEC investigations, and served as special counsel to public companies in conducting internal investigations.

Mr. Finkelstein earned a B.B.A. degree in accounting from City College of New York in 1959 and an L.L.B. degree from the University of Pennsylvania in 1962. After military service and a brief stint as law clerk to the General Counsel of the Federal Power Commission, he began his securities litigation career as trial counsel at the SEC's Washington Regional Office.

Mr. Finkelstein appeared as a panelist in securities litigation and enforcement seminars for the Practicing Law Institute, New York Law Journal and the American Law Institute - American Bar Association (ALI-ABA). He was an adjunct professor of law at Georgetown University Law School from 1979 to 1998. His course was entitled "Securities and Financial Frauds - Enforcement and Litigation."

Mr. Finkelstein practiced in the Washington, D.C. office.

DOUGLAS G. THOMPSON, JR.
Partner

DOUGLAS G. THOMPSON, JR. has specialized in administrative and civil trial and appellate litigation in private practice for over forty years. His practice has been concentrated in the areas of securities, commodities, banking, communications, and other complex business and financial transactions. Mr. Thompson has represented clients in federal court and before the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, the Copyright Royalty Tribunal, and the Criminal Division of the Department of Justice. Mr. Thompson has litigated securities and commodities claims in failed savings and loan cases on behalf of the RTC and FDIC. As lead counsel for the FDIC, Mr. Thompson won a jury verdict of more than \$1 million after a lengthy trial involving commodities fraud issues.

Mr. Thompson received his A.B. and M.A. degrees in economics from Stanford University and his J.D. degree from Stanford Law School in 1969. He taught at the Stanford Law School in 1969-70 and clerked for Judge Ben. C. Duniway of the United States Court of Appeals, Ninth Circuit, in 1970-71. Following his clerkship, Mr. Thompson joined the law firm of Wilmer, Cutler & Pickering, Washington, DC, where he was a litigator in communications and securities law. In 1977, he joined with Mr. Finkelstein in the formation of the firm now known as FINKELSTEIN THOMPSON LLP.

Mr. Thompson is a member of the bar of the District of Columbia and the State of California and of several federal district and appellate courts.

Mr. Thompson practices in the Washington, DC office.

MILA F. BARTOS

Partner

MILA F. BARTOS has been with FINKELSTEIN THOMPSON LLP since January 1995. Ms. Bartos practices in the fields of both antitrust litigation and consumer fraud class action cases, including adulterated and toxic products. She is a 1990 graduate of the University of Wisconsin - Madison where she received a joint Bachelor of Arts degree in English and Communications. Ms. Bartos then attended the American University Washington College of Law where she received her Juris Doctor in 1993. At American University, Ms. Bartos was a co-founder of the *American University Journal of Gender and Law* and was a member of the Editorial Board.

Ms. Bartos is the author of the article, "Law Firm Collaboration Via Extranets" published in the Law Library Resource Xchange. She is also an active member of the Chairman's Council of the Appleseed Foundation. Ms. Bartos is a member of the Maryland and District of Columbia Bars.

Ms. Bartos practices in the Washington, DC office.

MICHAEL G. McLELLAN
Partner

MICHAEL G. McLELLAN joined FINKELSTEIN THOMPSON LLP in May 2004. Mr. McLellan practices in the fields of securities, antitrust and consumer fraud litigation. He is a 1996 graduate of the University of South Carolina, where he received a Bachelor of Arts degree in English. Mr. McLellan also attended the University of South Carolina School of Law, where he received his Juris Doctor in 2003. During law school, Mr. McLellan served as Articles Editor for the South Carolina Law Review and was awarded membership in the Order of the Wig and Robe. Upon graduation, Mr. McLellan attended the American University Washington College of Law, where he received an LL.M. in Law and Government, magna cum laude in 2004. While pursuing his LL.M. degree, Mr. McLellan worked as an intern for the Securities and Exchange Commission in the Division of Enforcement and volunteered as a Constitutional Law teacher at Ballou Stay High School. He additionally worked as an independent researcher for the Association of Corporate Counsel.

Mr. McLellan is a member of the South Carolina and District of Columbia bars, and practices in the Washington, DC office.

ROSALEE B. C. THOMAS

Partner

ROSALEE THOMAS joined FINKELSTEIN THOMPSON LLP in October 2006 and practices in the fields of antitrust, consumer fraud and securities litigation. Ms. Thomas graduated from Columbia University in 1999, where she studied Political Science. She received her Juris Doctorate from Georgetown Law in 2004 and was recognized as a Pro Bono Pledge Honoree. While in law school, Ms. Thomas participated in the Street Law Clinic and served as a student attorney with the D.C. Law Students in Court Clinical Program. Ms. Thomas also completed a clerkship at the U.S. Consumer Product Safety Commission.

Ms. Thomas is a member of the New York, New Jersey, District of Columbia, and Maryland bars and is admitted to practice in the United States District Court for the District Courts of New Jersey, Southern District of New York, United States Court of Appeals for the Ninth Circuit, and the District of Columbia.

Ms. Thomas practices in the Washington, DC office.

EBONIE BRANCH

Associate

EBONIE BRANCH re-joined FINKELSTEIN THOMPSON LLP in March 2017 and practices in the fields of antitrust, consumer fraud and securities litigation. She graduated from American University with a B.A. *cum laude* in justice and then worked as a paralegal for Finkelstein Thompson LLP. Ms. Branch graduated from the Howard University School of Law in 2011 and was recognized with a CALI Award for Outstanding Academic Achievement in Criminal Law. During law school, she served as the Senior Editor of the Human Rights and Globalization Law Review as well as a Student Defense Attorney in the Criminal Justice Clinic. She came back to Finkelstein Thompson LLP to work as a law clerk during her third year at Howard Law.

Before rejoining Finkelstein Thompson LLP as an associate, Ms. Branch gained criminal litigation experience as a prosecutor. From 2011 until 2014, Ms. Branch served as an Assistant District Attorney at the Philadelphia District Attorney's Office. Ms. Branch then joined the U.S. Attorney's Office in DC as an Assistant United States Attorney. In both capacities, Ms. Branch vigorously prosecuted gun and narcotics offenses in addition to violent crimes.

Ms. Branch is a member of the Pennsylvania Bar and practices in the Washington, DC office.

ROBERT O. WILSON
Of Counsel

ROBERT WILSON re-associated as Of Counsel with FINKELSTEIN THOMPSON LLP since February 2015 and practices in the fields of *qui tam*, shareholder, consumer protection, and antitrust litigation. Mr. Wilson graduated from James Madison University in 2003, with a Bachelor of Arts in English, with a minor in Theatre. He graduated *cum laude* from George Mason University School of Law in 2008. While in law school, he served on the editorial board of the *George Mason University Civil Rights Law Journal*.

Mr. Wilson was an associate with the firm from 2011 to 2014. Before joining Finkelstein Thompson LLP, Mr. Wilson clerked for the Honorable David S. Schell of the Fairfax Circuit Court, in the 19th Judicial Circuit of Virginia, and practiced civil and criminal litigation in the Northern Virginia area.

Mr. Wilson's published works include *A Defense of Disclosure-based Settlements in US M&A Litigation*, *Financier Worldwide.com* (February 2013); *Free Speech v. Trial by Jury: The Role of the Jury in the Application of the Pickering Test*, 18 *George Mason University Civil Rights Law Journal* 389 (2008); and *Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?*, *Journal of Taxation and Regulation of Financial Institutions*, September/October 2007, at 5 (with Donald J. Enright).

Mr. Wilson is a member of the Virginia and District of Columbia bars.

GORDON M. FAUTH
Of Counsel

GORDON M. FAUTH has been Of Counsel with FINKELSTEIN THOMPSON LLP since March 2017 and practices in the fields of consumer protection and antitrust litigation. Mr. Fauth has a cutting edge background in complex litigation, with extensive experience in civil litigation, including class action and antitrust litigation, consumer litigation, civil rights, personal injury and business litigation. He has successfully prosecuted many actions in which multi-million dollar results were achieved. Mr. Fauth received his undergraduate degree in Government from Harvard University and his law degree from the University of California at Berkeley in 1997.

Mr. Fauth is admitted to practice before both California and Federal courts, including all California trial courts; the California Court of Appeals; the California Supreme Court; the United State District Courts for the Northern, Eastern, and Central Districts of California; the United States Courts of Appeals for the Fifth and Ninth Circuits; and the United States Supreme Court. He has filed briefs with the California Supreme Court and the United States Supreme Court.

Mr. Fauth is a recognized member of professional organizations including the California Bar Association, the Alameda County Bar Association, and the San Francisco Trial Lawyers Association. He has served as an Advisory Board Member of the American Bar Association.

ROSANNE L. MAH
Of Counsel

ROSANNE L. MAH has been Of Counsel with FINKELSTEIN THOMPSON LLP since March 2017 and practices in the fields of consumer protection, and is an experienced litigator in business law, employment law, and estate planning. She has guided businesses of all kinds, in many different litigation matters. Ms. Mah received her undergraduate degree from the University of California at Santa Cruz and her law degree from the University of San Francisco, School of Law in 2005.

Ms. Mah is admitted to practice before both California and Federal courts, including all California trial courts; the California Court of Appeals; the California Supreme Court; and the United State District Courts for the Northern, Eastern, and Central Districts of California.

Ms. Mah is a member of the California State Bar Association. Ms. Mah has volunteered at the Debt Defense and Education Clinic for the Bar Association of San Francisco's Volunteer Legal Services Program. She received the Outstanding Volunteer in Public Service Certificate for her pro bono work in 2010 and 2011 for the Volunteer Legal Services Program.

HENRY WOODS

Paralegal

HENRY WOODS joined FINKELSTEIN THOMPSON LLP in September 2017. He received a Bachelor of Arts in Strategic, Legal & Management Communications from Howard University School of Communication. He is a member of Phi Beta Sigma Fraternity Inc. and received the TRiO Scholars Scholarship for excellent leadership and achievement. Prior to joining FT, he gained ample experience working in legal offices such as the District of Columbia's Office of the Attorney General, the Cochran Firm, and D.C. Court Services & Offender Supervision Agency.

Mr. Woods works in the Washington, DC office.

FEB 02 2018

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

_____)	MDL Docket No. 2800
In re: Equifax, Inc. Customer)	Case No.: 1:17-md-2800-TWT
Data Security Breach Litigation)	
_____)	ALL CASES
)	

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2018, I electronically filed the foregoing Application of Rosalee B.C. Thomas and Finkelstein Thompson LLP for Appointment to Plaintiffs' Steering Committee with the Clerk of the Court through the CM/ECF system, that the interested parties in this action will be served through electronic mail, and that a courtesy copy will be hand-delivered to Court chambers.

/s/ Rosanne L. Mah